

LOCAL LAW FILING

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

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Village of Fayetteville

Local Law No. Eight (8) of the year 2013.

A local law amending Sections 187-18, 187-24, 187-28, 187-29, 187-30, 187-32 and 187-40 of Chapter 187, Article VI, (Signs) of the Village of Fayetteville Municipal Code.

Be it enacted by the Board of Trustees of the Village of Fayetteville as follows:

Amend §187-18 to read:**§187-18 Purpose.**

The purpose and intent of Chapter 187, Article VI shall be to coordinate the type, placement, number, construction material, aesthetic character and physical dimensions of signs within the different land use zones and neighborhoods located within the Village; to recognize the commercial communication requirements of all sectors of the business community while promoting safety and preserving the character of the Village as a whole and its individual neighborhoods; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These purposes shall be accomplished by regulations of the design, display, location, erection, use and maintenance of signs.

Amend §187-24 to read:**§187-24 Prohibited signs.**

Except as otherwise herein provided by this chapter, the following are prohibited:

- A. Notice, posters or other papers or devices calculated to attract the attention of the public affixed to any lamppost, public utility pole or shade tree or upon any public structure or building except as may be authorized by this Article.
- B. Billboards.
- C. Any exposed (external to a building) neon or gas-filled tube-type signs visible from the public right-of-way. Any existing neon or gas-filled tube signs may not be replaced or repaired.
- D. Signs projecting from buildings, except where attached flush or parallel to and within 12 inches of a permitted structure.
- E. Roof signs (except aviation direction painted on roof surfaces).
- F. Flashing, moving, fluttering, revolving or intermittent signs.
- G. Banners, posters, ribbons, balloons, spinners or streamer devices.

- H. Strings of lights for advertising or attracting attention.
- I. Tethered, gas-filled, airborne advertising devices.
- J. Signs or other lighting devices of excessive intensity beamed or directed upon a public right-of-way or adjacent premises so as to cause a traffic hazard or other nuisance.
- K. Any sign(s) which constitute(s) a traffic hazard.
- L. Electronic or electronically controlled message boards (or signs) where scrolling or moving copy or changing graphics of any kind changes are shown and are viewable from the public right-of-way; any sign which changes the text of its copy electronically or by electronic control. This prohibition also applies to static electronic message boards or signs.
- M. Internally illuminated signs where the light is contained within the sign or device so as to become an integral part of the sign and/or intrinsic to the functioning of the sign or device. LED's signs and the like fall within this category.
- N. Back-lit signs where the illumination of opaque or halo-lit letters is by a concealed light source in which the light projects away from the viewer.
- O. Signs or devices that emit audible sound, odor, or visible matter.
- P. Any replacement signs viewable from the public right-of-way including window signs, incorporating gas-filled illuminating devices.
- Q. Any sign not specifically permitted by this Article VI.

Amend §187-28 to read:

§187-28 Permit not required.

The following signs are permitted in any use district without a permit or the payment of any fee:

- A. Signs advertising the sale or rental of the premises upon which the sign is located.
 - (1) Two such signs shall be allowed: one on the premises of the sale and one as a directional sign to the sale.
 - (2) Each such sign shall not exceed four (4) square feet in area.
 - (3) Such directional sign shall only be displayed during the day when a representative of the owner is located on the premises and allowing prospective buyers or renters to be shown the premises to be sold, leased or rented.
 - (4) If such directional sign is placed on property other than the holder of the sale, written permission from the property owner shall be submitted to the CEO showing such permission, along with a statement from the holder of the sale stating what day the sign shall be erected and what day it shall be removed.
 - (5) Such signs shall not be -
 - (a) Posted or affixed to any lamppost, public utility pole or shade tree.
 - (b) Located in a public right-of-way or on New York State, Onondaga County or Village of Fayetteville owned property.
 - (c) Placed in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.

- (6) Such signs shall be removed within twenty-four (24) hours after the premises is sold, leased or rented.
- (7) Nothing in this section shall allow signs which advertise the lease or rental of premises made available for durations of less than one month, including, but not limited to, hotels, motels, bed-and-breakfasts or guest houses.
- B. Signs denoting the architect, engineer or contractor, placed on premises where work (construction, repair, alteration, painting, siding, roofing, landscaping) is in progress.
 - (1) Such signs shall not exceed four square feet in area.
 - (2) Such signs shall not be –
 - (a) Posted or affixed to any lamppost, public utility pole or shade tree.
 - (b) Located in a public right-of-way or on New York State, Onondaga County or Village of Fayetteville owned property.
 - (c) Placed in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.
 - (3) Such signs shall be removed within one week of the end of the work.
- C. Signs advertising a garage, household items or lawn sale.
 - (1) Two such signs shall be allowed: one on the premises of the sale and one as a directional sign to the sale.
 - (2) Each such sign shall not exceed four square feet.
 - (3) If such directional sign is placed on property other than the holder of the sale, written permission from the property owner shall be submitted to the CEO showing such permission, along with a statement from the holder of the sale stating what day the sign(s) shall be erected and what day it shall be removed.
 - (4) Such signs shall not be –
 - (a) Posted or affixed to any lamppost, public utility pole or shade tree.
 - (b) Located in a public right-of-way or on New York State, Onondaga County or Village of Fayetteville owned property.
 - (c) Placed in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.
 - (d) In no event shall the sign(s) be displayed for a period to exceed seventy-two (72) hours.
 - (e) Such signs shall be removed within three (3) hours after the garage, household or lawn sale ends.
- D. The Village of Fayetteville Board of Trustees is hereby authorized to adopt and, from time to time, amend regulations, controlling the fees, method of permitting, and use for the implementation of this subsection pertaining to signs pertaining to permits are not required.

Amend §187-29 to read:

§187-29 Exception.

- A. For the purposes of this chapter, any sign(s) required pursuant to and in discharge of a governmental function or by any law, ordinance or governmental regulation shall be permitted notwithstanding of this Article.
- (1) Such sign(s) shall not exceed the minimum size and number required by the governmental unit.
 - (2) Any requirements of this Article not inconsistent with said governmental unit regulations shall be adhered to.
 - (3) Such sign(s) shall not require a sign permit or a certificate of sign compliance from the CEO, and
 - (4) No fee shall be imposed by the Village therefore. Said sign(s) required by the governmental unit shall not diminish the signage which would otherwise be permitted by this Article.

Amend §187-30 to read:

§187-30 Temporary signs.

- A. All signs of a temporary nature, such as political posters, promotional devices and other signs of a similar nature shall be considered temporary signs and shall be permitted only in compliance with this subsection as either a temporary window sign or a temporary freestanding sign.
- (1) A temporary sign shall comply with any and all regulations adopted by the Village's Board of Trustees pertaining thereto.
 - (2) The Village of Fayetteville's Board of Trustees is hereby authorized to adopt and, from time to time, amend regulations, controlling the fees, method of permitting, and use for the implementation of this subsection pertaining to temporary signs.
 - (3) All other signs shall be considered permanent signs requiring approval of the Village of Fayetteville's Planning Board or shall be prohibited.
 - (4) No temporary sign shall be permitted which would otherwise be prohibited pursuant to §187-24, Prohibited signs.
 - (5) All signs shall be kept clean, neatly painted and free from all hazards, such as but not limited to, loose fittings or fixtures and shall be maintained at all times in such safe condition as not to be detrimental to the public health and safety.
 - (6) Temporary signs shall not be illuminated in any manner.
- B. Temporary window sign. A temporary window sign is one that is painted or affixed in a nonpermanent manner to the interior or exterior of a window and visible from the exterior of the premises and which are intended to advertise and/or identify any products or services provided or sold on or off the premises for compensation. Temporary window signs shall be in compliance with the following requirements:
- (1) No approval is required for a temporary window sign from the Village of Fayetteville's Planning Board.
 - (2) Temporary window signs shall not advertise and/or identify the name of the business or not-for-profit entity or its telephone number or e-mail address.

- (3) Temporary window signs shall be permitted without any sign approval, sign permit or certificate of sign compliance.
 - (4) Temporary window signs shall not exceed twenty-five (25) % of the area of the window(s) in which or to which they are affixed.
 - (5) Temporary window sign shall remain in place for not more than two continuous months per year.
 - (6) Temporary window signs shall not be placed in a position that will create a hazard or disturbance to the health and welfare of the general public.
- C. Temporary freestanding sign. A temporary freestanding sign (including a portable "A" frame, sandwich board sign) is not considered a temporary window sign, as defined in Subsection B above, and shall be in compliance with the following requirements:
- (1) A Temporary freestanding sign shall be permitted upon the following conditions:
 - (a) A temporary freestanding sign permit from the business or not-for-profit entity shall be submitted to the CEO.
 - (b) No approval is required for a temporary freestanding sign from the Village of Fayetteville's Planning Board.
 - (c) No temporary freestanding sign permit shall be valid unless it includes the date the sign permit became effective and the date of its termination noted legibly on the face thereof.
 - (2) Each business or not-for-profit entity shall be entitled to display only one (1) temporary freestanding sign, regardless of message, for a period of time not to exceed twelve (12) weeks each calendar year.
 - (a) The temporary freestanding sign's display period of time shall be measured in weekly increments, even if not used for a full week.
 - (b) The temporary freestanding sign shall be placed within ten (10) feet of the business' main entrance and not in the public right-of-way.
 - (c) No such temporary freestanding sign shall be placed on the property other than that of the business or not-for-profit entity.
 - (d) The maximum permitted area for temporary free standing sign shall be six (6) square feet.
 - (e) The maximum height for a freestanding temporary sign shall be four (4) feet from grade.
 - (f) The temporary freestanding sign shall not advertise the telephone number or e-mail address.
 - (3) Such temporary freestanding signs shall not be -
 - (a) Posted or affixed to any lamppost, public utility pole or shade tree.
 - (b) Located in a public right-of-way or on New York State, Onondaga County or Village of Fayetteville owned property.
 - (c) Placed in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.

Amend §187-32 to read:

§187-32 Removal of certain signs.

- A. Any sign existing on or after the effective date of this article which no longer advertises any existing business conducted or product sold on the premises in the Village of Fayetteville shall be removed by the business, not-for profit entity or owner of the premises upon which such sign is located.
- B. Any sign that is in violation of §187-23, §187-24, §187-25, §187-26, §187-27, §187-28, §187-30 and §187-32 shall be removed by the owner of the business, director of the not-for-profit entity and/or owner of the property upon which such sign is located.
 - (1) The CEO is authorized to remove such sign upon 48 hours of a written or verbal notice to the business or not-for profit entity that is in violation of the Code of the Village of Fayetteville.
 - (2) The CEO is authorized to remove any sign without any notice that is -
 - (a) Attached to fences, trees, utility poles or the like.
 - (b) Located in a public right-of-way.
 - (c) Place in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public.
 - (3) If the owner of the business, director of the not-for-profit entity and/or owner of the property upon which such sign is located does not remove a sign upon 48 hours of a written or verbal notice, the CEO will issue an appearance ticket in accordance with §187-40.
 - (4) If the owner of the business, director of the not-for-profit entity, owner of the property or party who attached a sign to a fence, tree, utility pole or the like; placed a sign in a public right-of-way; and/or placed a sign in a position that will obstruct or impair vision or traffic or in any manner that creates a hazard or disturbance to the health and welfare of the general public continues to do so after 48 hours of a written or verbal notice, the CEO will issue an appearance ticket in accordance with §187-40.
 - (5) The Codes Enforcement Officer is authorized to charge all costs and expenses incurred in said removal of such sign against the owner of the business, director of the not-for-profit entity and/or owner of the property upon which such sign is located. Said expenses may be charged as a lien against the real property.

Amend §187-40 to read:

§187-40 Penalties for offenses.

Any person committing an offense against any of the provisions of this Chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine or by imprisonment as set forth in Chapter 113 of this Code.

Section Three (3). ILLEGALITY/SEVERABILITY.

If any part of this local law or the application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined

in its operation or the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to the other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid and which best achieves the intent of the invalid provision.

Section Four (4). EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. Four (4) of 2013 of the Village of Fayetteville was duly passed by the Village Board of Trustees of the Village of Fayetteville on February 11, 2013 in accordance with the applicable provisions of law.

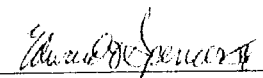
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.


Lorie Corsette, Village Clerk

Date: August 19, 2013

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Village Attorney

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.